

## HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 446 by Representative Henry

TAX/AD VALOREM TAX: Provides relative to ad valorem taxes

### Synopsis of Senate Amendments

1. Changes the duties of attorneys hired to aid tax collections from representation of the collectors in all suits for the reduction of assessments to collection of taxes that are delinquent.
2. Adds provision excluding property tax matters involving correctness and legality challenges from provisions of proposed law.

### Digest of Bill as Finally Passed by Senate

Present law provides that in the parish of Orleans there shall be an attorney at law to be appointed by the Attorney General, whose duty it shall be to aid the tax collectors in the parish in the collection of all taxes and to represent the tax collectors in all suits for the reduction of assessments. Further, provides for the payment of a commission to the attorney of ten per centum (10%) based on the aggregate amount of taxes and penalties collected and paid over to the tax collector.

Proposed law expands present law to apply to all parish tax collectors, removes the appointment authority of the Attorney General, and authorizes the appointment of an agency to assist the parish tax collector. Proposed law changes the duties of attorneys hired to aid tax collections from representation of the collectors in all suits for the reduction of assessments to collection of taxes that are delinquent. Further, proposed law excludes matters involving correctness and legality challenges.

Present law provides for the collection of taxes, interests, and costs, relative to the tax sale of movable and immovable property.

Proposed law retains present law, but also authorizes the collection of penalties.

Present law provides that the tax sale shall convey and the purchaser shall take tax sale title to the whole of the property assessed to the delinquent tax debtor, or if there are separate assessments of undivided interests in an entire property, tax sale title to the whole of the undivided interests assessed to the delinquent tax debtor if it is the least quantity sufficient to satisfy the aggregate of all taxes, interest, penalties, and costs. The least quantity shall be determined by undivided interests.

Present law provides that the tax collector shall sell the lesser undivided interest of the whole property as will satisfy the charges, and that the tax collector may determine and establish that the least quantity that can be sold by undivided interests is one percent or less of the whole.

Proposed law removes the authority of the tax collector to determine and establish the least quantity that can be sold, but provides that if authorized by the state or local tax collector, any bidder may elect to bid down the five percent penalty, as provided by La. Const. Art. VII, §25(B)(1), in increments of one-tenth of one percent.

Present law provides that the tax sale shall convey, and the purchaser shall take, tax sale title to the entirety of the property, or in the case of separate assessments for undivided interests in the property, tax sale title to the entirety of the undivided interest, intended to be assessed and sold as it was owned by the delinquent tax debtor regardless of any error in the

dimensions or description of the property as assessed and sold.

Proposed law removes the authority for providing tax sale title to the undivided interest in the case of separate assessments for undivided interests in the property.

(Amends R.S. 47:2062, 2142(A) and (C), 2144, 2145(B), 2153(B)(5), and 2155(A))